

**Director Barbara Lee**  
**Department of Toxic Substances Control**  
**Comments Delivered to the Assembly Committee on Environmental Safety and Toxic**  
**Materials**  
**June 9, 2016**

Good evening Mr. Chairman and members of the Committee. My name is Barbara Lee and I'm the Director of the Department of Toxic Substances Control.

With me tonight are Ms. Frances McChesney, Interim Chief Counsel, Ms. Ana Mascareñas, Assistant Director for Environmental Justice and Tribal Affairs, and Ms. Zoe Bayar who was appointed last month by the Governor as Assistant Deputy Director of Brownfields Environmental Restoration program to oversee the restoration of the communities around the former Exide Technologies batter recycling facility in Vernon, CA.

This restoration effort is very important to the administration, which is why the Governor dedicated \$176.6 million in general funds to the effort. He is committed to protecting these communities today and in the future.

I appreciate the opportunity to speak with you tonight and provide an overview of the Governor's plan to sample and clean up residential properties as well as the progress we've made and our path going forward.

First, I want to highlight our ongoing to commitment to work with and be accountable to the community and the Legislature, and to discuss the progress we've made.

In 2012 DTSC's oversight of the Exide facility fundamentally changed. DTSC issued a suspension of the facility's operation in 2013, and they never operated again.

I started as Director in December 2014 and three months later in February 2015 I informed company officials that we would not grant Exide an operating permit. The facility then went into a formal closure process.

Furthermore we forced a then-bankrupt company to fund sampling and cleanup activities in the community and set aside funding for the closure of on-site hazardous waste units.

With a new team in place, DTSC has engaged and involved the community, local elected officials and other oversight agencies.

Their input has been invaluable for developing plans, engaging the community at large, and gathering ideas on how this project should proceed.

We have also made significant progress in addressing the contamination in residential areas.

In April, the Legislature approved the Governor's \$176.6M plan for expediting and expanding testing and cleanup of residential properties, schools, day care centers, and parks; expanded community engagement; creating a workforce development and job training program for community residents; and promoting the use of local businesses and labor

The funding will allow us to sample approximately 10,000 residential properties within a 1.7-mile radius and clean up approximately 2,500 properties with the highest levels of lead and the highest risk of exposure.

As of today more than 1,800 homes have been sampled, nearly 3,500 access agreements obtained, and more than 200 properties cleaned up.

As you can see while we have much work to do, we have made progress in protecting this community.

Legislative hearings have led to changes and the creation of an Independent Review Panel that is looking closely at our permitting and enforcement programs.

With the Legislature's help we are now building systems, polices and accountability standards.

DTSC is taking extensive measures to establish third-party oversight. The Department will be requiring a third-party auditing of all expenditures, as well as a third-party quality assurance monitor for cleanup work.

We will take every step to ensure a comprehensive CEQA review is completed as quickly and efficiently as possible, but there are timelines in CEQA that must be followed, including public comment and public participation requirements.

We are also working hard to hold Exide and any other responsible companies accountable for their contamination, and we must not compromise the integrity of those efforts.

I'd like to quickly discuss how we established our Preliminary Investigation Area.

Using data collected in 2014 and 2015, DTSC analyzed 20,000 soil samples taken as far away as 4.5 miles from the facility.

Our preliminary evaluation showed that while there is lead throughout the region, pollutants from Exide may have reached between 1.3 and 1.7 miles from the Exide facility.

To be conservative and health protective, DTSC used the 1.7 mile radius an area that we now refer to as the Preliminary Investigation Area.

There have been some questions about expanding the 1.7 mile area. The \$176.6 million that was approved by the legislature is sufficient to address the properties within the 1.7 mile radius, and we are not authorized to expend those funds anywhere else. As we conduct our environmental review, sampling will continue. We are currently sampling at the rate of 135 properties per week, and we will ramp up our rate of sampling to 200 properties per week to meet goal of all homes in 1.7 mile radius sampled by June 2017

Cleanups will resume following our environmental review and certification of a CEQA document for this residential cleanup project. The CEQA contractor has been hired and scoping sessions are scheduled for June 2016.

We heard from community members – who told us they did not want a CEQA waiver or modified CEQA review, so we will take every step to ensure we do a comprehensive CEQA review as efficiently as possible. Before you is a table of the CEQA process. We want to provide the community with sufficient notice, and time to review and comment on the document once we have prepared our draft studies on the impacts of this project.

We also want to carefully consider comments before preparing the response to comments and issuing the final environmental documents and cleanup plan. Ms. Mascareñas will now discuss our community engagement and important partnerships.